

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001
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:
:
: MEMORANDUM DECISION

: AND ORDER

: 03 MDL 1570 (GBD) (SN)
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GEORGE B. DANIELS, United States District Judge:

Defendant Wael Hamza Jelaidan is “widely believed to have shared a close relationship with Osama bin Laden and to have directed organizations that provided financial and logistical support to al Qaeda,” resulting in his designation as a “person who supports terror[ism]” by the U.S. Department of the Treasury. (Oct. 28, 2013 R. & R., ECF No. 2789, at 5.)¹ On May 10, 2021, Magistrate Judge Sarah Netburn warned Jelaidan that his failure to sit for a deposition would be sanctionable. (May 10, 2021 Order, ECF No. 6801, at 3; *see also* Aug. 23, 2021 Order, ECF No. 7065.) On August 27, 2021, after Jelaidan’s failure to make any contact with the Plaintiffs’ Executive Committees (“PECs”), as required by the Court, the PECs moved to impose a sanction of default against Jelaidan. (Aug. 27, 2021 PECs’ Letter, ECF No. 7079.)

Before this Court is Magistrate Judge Netburn’s September 27, 2021 Report and Recommendation (the “Report”), recommending that Jelaidan’s answer be struck and a default judgment be rendered against him. (Report, ECF No. 7141, at 9.) Magistrate Judge Netburn advised the parties that failure to file timely objections would constitute a waiver of those objections on appeal. (*Id.* at 10.) No party filed objections. Accordingly, this Court reviews the Report for clear error and ADOPTS Magistrate Judge Netburn’s Report in full.

¹ Unless otherwise indicated, all docket numbers refer to the main docket sheet for this multidistrict litigation. *See In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570.

I. LEGAL STANDARD

A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a magistrate judge’s report. 28 U.S.C. § 636(b)(1)(C). The court must review *de novo* the portions of a magistrate judge’s report to which a party properly objects. *Id.* Portions of a magistrate judge’s report to which no or “merely perfunctory” objections are made are reviewed for clear error. *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citation omitted). Clear error is present only when “upon review of the entire record, [the court is] ‘left with the definite and firm conviction that a mistake has been committed.’” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation omitted).

II. MAGISTRATE JUDGE NETBURN PROPERLY RECOMMENDED THAT A DEFAULT JUDGMENT BE ENTERED AGAINST DEFENDANT WAEL JELAIDAN

Magistrate Judge Netburn appropriately surveyed Jelaidan’s long-running failure to comply with Court Orders. (*See* Report at 1–9.) The Report traced Jelaidan’s obstructive conduct as far back as June 13, 2006 and identified noncompliance that amounts to a willful “pattern of bad faith.” (*Id.* at 2, 7.) In determining that the imposition of a default judgment was the appropriate sanction, Magistrate Judge Netburn also considered the failure of lesser sanctions to alter Jelaidan’s behavior and the numerous instances in which Jelaidan was provided clear notice of the possibility that further obstruction risked a default judgment. (*Id.* at 7–9.) Given the willfulness of Jelaidan’s noncompliance, the demonstrated inefficacy of lesser sanctions, the decades-long duration of Jelaidan’s disregard, and the series of warnings issued by multiple judges regarding the consequences of additional obstructive behavior, this Court now renders a default judgment against Defendant Wael Jelaidan.


III. CONCLUSION

Magistrate Judge Netburn's Report, (ECF No. 7141), is ADOPTED. This Court strikes Defendant Wael Jelaidan's answer and enters a default judgment against Jelaidan.

It is hereby **ORDERED** that the Plaintiffs Executive Committees' request for Judgment by Default against Defendant Wael Hamza Jelaidan is **GRANTED**. Final judgment on liability is entered in favor of Plaintiffs and against Wael Hamza Jelaidan for all cases pending in this multidistrict litigation for which he is named as a party.

Dated: July 31, 2023
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge